

P 401 180 046


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 MR DENNIS GRADY  
GRADY-MCCAULEY  
CREATIVE GRAPHICS, INC  
7584 WHIPPLE AVENUE  
NORTH CANTON OH 44720

Postage	\$ 29
Certified Fee	1.00
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Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$2.29
Postmark or Date	

PS Form 3800, June 1991

HKE-85 MCH 1

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3. Article Addressed to:

 MR DENNIS GRADY  
GRADY-MCCAULEY  
CREATIVE GRAPHICS INC  
7584 WHIPPLE AVE  
NORTH CANTON OH 44720

4a. Article Number

P 401 180 046

4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

12-28-92

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

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M. DM  
UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION  
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77 WEST JACKSON BOULEVARD  
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6. Save this receipt and present it if you make inquiry.

105603-92-B-0216



DEC 17 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Dennis Grady  
Grady-McCauley  
Creative Graphics, Inc.  
7584 Whipple Avenue  
North Canton, OH 44720

0401 180 046

HRE-8J

Re: Completion of Remedy Implementation Grady-McCauley Middlebranch,  
Ohio Facility OHD 004 468 609

Dear Mr. Grady:

The United States Environmental Protection Agency (U.S. EPA) has received your letter of November 25, 1992, requesting acknowledgement that Grady-McCauley has completed the remedy for the lead contaminated soils as required by paragraph #8 of the December 2, 1986, Consent Agreement and Final Order. Based upon the documentation and certification enclosed with your letter, the U.S. EPA hereby acknowledges the completion of the remedy implementation activities for the lead contaminated soil areas described in the January 21, 1991, Feasibility Study.

If you have any questions regarding the above matter, please contact Mr. Matthew Ohl of my staff at (312) 886-4442.

Sincerely yours,

Joseph M. Boyle, Chief  
RCRA Enforcement Branch  
HRE-8J:MOHL:6-4442:Disk #1

GRDYMCLY.MID\RMDYACKN.LEG

OFFICIAL FILE COPY			
CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
AB 14 DEC 92	MO 10 DEC 92	JP 12-11-92	JMB 12/16/92



OCT 01 1992

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Dennis Grady  
Grady-McCauley  
Creative Graphics, Inc.  
7584 Whipple Avenue  
North Canton, OH 44720

Re: Remedy Implementation  
Grady-McCauley  
Middlebranch, Ohio Facility  
OHD 004 468 609

Dear Mr. Grady:

The United States Environmental Protection Agency (U.S. EPA) has received your letter of September 16, 1992, requesting acknowledgement that Grady-McCauley has completed the remedy for the lead contaminated soils as required by the December 2, 1986, Consent Agreement and Final Order. The U.S. EPA requires further information to make this determination.

Please provide documentation of remedy implementation activities including analysis of all samples to demonstrate that the goal of these activities was attained in accordance with the approved plan. Also, provide written certifications to U.S. EPA by Grady-McCauley and an independent registered professional engineer who observed the remedy implementation activities that the selected remedy has been completed in accordance with the approved plan.

If you have any questions regarding the above matter, please contact Mr. Matthew Ohl of my staff at (312) 886-4442.

Sincerely yours,

ORIGINAL SIGNED BY  
JOSEPH M. BOYLE

Joseph M. Boyle, Chief  
RCRA Enforcement Branch

HRE-8J:MOHL:6-4442:Disk #1

GRDYMCLY.MID\RMDYCERT.REQ

OFFICIAL FILE COPY

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF



P 950 743 811

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAILDENNIS GRADY  
CREATIVE GRAPHICS  
7584 WHIPPLE AVE  
NORTH CANTON OH

Postage	\$ 29
Certified Fee	1-00
Special Delivery Fee	
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Return Receipt showing to whom and Date Delivered	1-00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.29
Postmark or Date	

PS Form 3800, June 1985

M.OH1 HX8-85

## Request for Certification

## SENDER:

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- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
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3. Article Addressed to:

DENNIS GRADY  
GRADY-MCCAULEY  
CREATIVE GRAPHICS INC  
7584 WHIPPLE AVENUE  
NORTH CANTON OH 44720

4a. Article Number

P 950 743 811

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

10-6-92

5. Signature (Addressee)

6. Signature (Agent)

Julie Cammel

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 ☆ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT



UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION  
AGENCY - REGION 5 - HRE-8J  
77 WEST JACKSON BOULEVARD  
CHICAGO IL 60604-3590

M. OHL HRE-8J

Print your name, address and ZIP Code here

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OCT 09 1992  
OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

PENALTY FOR PRIVATE  
USE, \$300



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6. Save this receipt and present it if you make inquiry.



HRE-8J:MOHL:6-4442: *DISK #1* GRDYMCLY.MID\RMDYCERT.REQ

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CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
	<i>MO</i> <i>9-21</i>	<i>RP</i> <i>9-21</i>	<i>JMB</i> <i>10/1/92</i>

*ap*  
*9/20/92*

*Disk #1*



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U.S. Office:  
Columbus, Ohio SEP 18 1992  
Jacksonville, Florida  
Miami, Florida  
New York, New York  
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Washington, D.C.  
OFFICE OF RCRA  
Management Division  
U.S. EPA, REGION V

*Squire, Sanders & Dempsey*

*Counsellors at Law  
4900 Society Center  
127 Public Square  
Cleveland, Ohio 44114-1304*

*Telephone (216) 479-8500  
Cable "Squiresand"  
Telex 985-661  
Telecopier (216) 479-8780*

*International Offices:  
Brussels, Belgium  
Prague, Czechoslovakia*

September 16, 1992

*Direct Dial Number*

(216) 479-8663

Mr. Kevin Pierard, Chief  
OH-MN Technical Enforcement Section (HRE-8J)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: Remedy Completion, Grady-McCauley  
Middlebranch, Ohio Facility OHD 004 468 609

Dear Mr. Pierard:

Grady-McCauley has completed the implementation of the removal remedy for the lead soils area at the above facility in accordance with the U.S. EPA approved clean-up plan. Mr. Mark Bergman of Ohio EPA observed the excavation and has reviewed the results of samples taken to confirm that soils left in place following the excavation contained lead levels below the 150 mg/kg levels specified in the approved plan. A copy of Mr. Bergman's letter confirming that the highest lead level in these samples was 135 mg/kg is attached (Matt Ohl should have already have received a copy of this letter).

Grady-McCauley hereby requests that your office formally acknowledge by response to this letter that Grady-McCauley has completed the remedy of the lead soils area under the December 2, 1986 CAFO and the approved clean-up plan adopted thereunder.

If you have any questions, please contact me at the direct-dial number above.

Sincerely,

*Philip C. Schillawski*  
Philip C. Schillawski

cc. Matthew Ohl  
Dennis Grady





State of Ohio Environmental Protection Agency

## Northeast District Office

10 E. Aurora Road  
Cincinnati, Ohio 44087-1969  
(216) 425-9171  
FAX (216) 487-0769

COPY

George V. Voinovich  
Governor

Donald R. Schregardus  
Director

June 29, 1992

RE: GRADY MCCAULEY  
STARK COUNTY

RECEIVED

SEP 14 1992

P.C.S.

Grady McCauley  
7584 Whipple Avenue  
North Canton, OH 44720

Attn: Mr. Dennis Grady

Dear Mr. Grady:

On June 4, 1992, I visited your facility located in Middlebranch. A contracting company was conducting clean-up on the lead contaminated areas. I met with Mr. James Marsall of the Hal Jones Construction Company.

Excavation of the contaminated soil appeared to be proceeding according to the U.S. EPA approved clean-up plan. I pointed out a few areas where the excavation needed to be a couple of inches deeper and the workers immediately complied. I suggested that confirmatory samples be collected before these areas were backfilled. Test results from these samples indicate TCLP lead below detection limits. Total lead results ranged between 14.2 mg/kg and 135 mg/kg.

I will forward a copy of this letter to Mr. Matt Ohl of the U.S. EPA. Any formal closure actions concerning the lead contaminated soil must come from the U.S. EPA.

Sincerely,

Mark Bergman, R.S.  
Environmental Specialist  
Division of Hazardous Waste Management

MB.wb

cc: Matt Ohl, U.S. EPA, Region V  
Harry Courtright, DHWM, NEDO  
Paul Vandermeer, DHWM, CO





MAY 22 1992

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Dennis Grady  
Grady-McCauley  
Creative Graphics, Inc.  
7584 Whipple Avenue  
North Canton, OH 44720

Re: Remedy Implementation  
Grady-McCauley  
Middlebranch, Ohio Facility  
OHD 004 468 609

Dear Mr. Grady:

The United States Environmental Protection Agency (U.S. EPA) has amended the Implementation Plan for the selected remedy as you requested. The remedy Grady-McCauley selected includes disposal of lead-contaminated soil in a hazardous waste landfill. This requirement is amended to state that, "excavated soil will be sampled and characterized in accordance with Ohio Environmental Protection Agency Regulations, and then disposed of accordingly at an appropriately licensed facility."

U.S. EPA strongly recommends that Grady-McCauley contact the Ohio Environmental Protection Agency to ensure the proposed disposal facility is in full compliance with Ohio Administrative Codes. Grady-McCauley assumes full responsibility to accurately characterize the contaminated soils as per 40 CFR 262.11 and OAC 3745-52-11 prior to transport and disposal.

If you have any questions regarding the above matter, please contact Mr. Matthew Ohl of my staff at (312) 886-4442.

Sincerely yours,

ORIGINAL SIGNATURE  
JOSEPH M. BOYLE

Joseph M. Boyle, Chief  
RCRA Enforcement Branch

HRE-8J:MOHL:mo/ab:05\20\92:6-4442:#2

grdymcly.mid\remdymod.1tr

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P 433 153 943

## RECEIPT FOR CERTIFIED MAIL

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\*U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Dennis Grady  
Grady-McCauley  
Creative Graphics Inc  
7584 Whipple Avenue  
North Canton OH 44720

Postage	\$ 29
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	100
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 229
Postmark or Date	

HRS-85 M.OHL

Name

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## 3. Article Addressed to:

Dennis Grady  
Grady-McCauley  
Creative Graphics Inc  
7584 Whipple Avenue  
North Canton OH 44720

## 4a. Article Number

P 433 153 943

## 4b. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Registered           | <input type="checkbox"/> Insured                        |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD                            |
| <input type="checkbox"/> Express Mail         | <input type="checkbox"/> Return Receipt for Merchandise |

## 7. Date of Delivery

MAY 27 1992

## 5. Signature (Addressee)

## 8. Addressee's Address (Only if requested and fee is paid)

## 6. Signature (Agent)

*Dennis Grady*



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MAY 29 1992

Official Business

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V



PENALTY FOR PRIVATE  
USE, \$300

*Kevin*

Print your name, address and ZIP Code here

U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago IL 60604-3590

HRE-8J M. Ohl





AP 5/21/92

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
	MO 5-19	MP 5-20	JMB 5/21/92



*Squire, Sanders & Dempsey*

*U.S. Offices:*  
Columbus, Ohio  
Jacksonville, Florida  
Miami, Florida  
New York, New York  
Phoenix, Arizona  
Washington, D.C.

*Counsellors at Law*  
4900 Society Center  
127 Public Square  
Cleveland, Ohio 44114-1304

*Telephone (216) 479-8500*  
*Cable "Squiresand"*  
*Telex 985-661*  
*Telecopier (216) 479-8780*

*International Offices:*  
Brussels, Belgium  
Prague, Czechoslovakia

May 20, 1992

*Direct Dial Number*

(216) 479-8663

BY FAX, HARD COPY BY REGULAR MAIL

Mr. Kevin Pierard, Chief  
OH-MN Technical Enforcement Section (HRE-8J)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Mr. Mark Bergman  
Ohio Environmental Protection Agency  
Northeast District Office  
2110 E. Aurora Road  
Twinsburg, Ohio 44087

RECEIVED

MAY 22 1992

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

Re: Remedy Implementation, Grady-McCauley  
Middlebranch, Ohio Facility OHD 004 468 609

Dear Mr. Pierard and Mr. Bergman:

Grady-McCauley intends to continue implementation of the removal remedy for the lead soils area at the above facility by beginning excavation on Monday, June 1, 1992. Pre-excavation implementation of the remedy by soil sampling and analysis to obtain landfill approval for disposal will be completed by that date.

You or your representatives are invited to be present to observe the excavation activities. So that Grady-McCauley may make appropriate arrangements to accomodate your presence, please call Mr. Dennis Grady at (216) 494-9444 if you are planning to be present to observe the activities.

Sincerely,

*Philip C Schillawski*

Philip C. Schillawski

cc. Matthew Ohl  
Dennis Grady



**Woodward-Clyde**  
**Consultants**



Engineering & sciences applied to the earth & its environment

88C6161

May 15, 1992

RECEIVED

MAY 22 1992

Mr. Kevin Pierard, Chief OH-MN (HRE-8J)  
Technical Enforcement Section  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

**REMEDY IMPLEMENTATION**  
**GRADY-McCAULEY**  
**MIDDLEBRANCH, OHIO**  
**OHD004468609**

Dear Mr. Pierard:

On behalf of Grady-McCauley Creative Graphics, Inc., this letter transmits a request to amend the Selected Remedy for disposal of soil excavated from the lead soil areas at the Middlebranch, Ohio property.

Currently the Selected Remedy calls for the disposal of all soils at a licensed hazardous waste facility. We wish to amend that Selected Remedy to such that, "excavated soil will be sampled and characterized in accordance with Ohio Environmental Protection Agency regulations, and then disposed of accordingly at an appropriately licensed facility".

Please do not hesitate to contact me if you have any questions.

Sincerely,

Gregory N. Horton  
Senior Staff Scientist

cc: Mr. Dennis Grady - Grady-McCauley  
Mr. Phillip Schillawski - Squire, Sanders & Dempsey

I971\611\GRADY\88C6161.002



*Squire, Sanders & Dempsey*

*U.S. Offices:  
Columbus, Ohio  
Jacksonville, Florida  
Miami, Florida  
New York, New York  
Phoenix, Arizona  
Washington, D.C.*

*Counsellors at Law  
4900 Society Center  
127 Public Square  
Cleveland, Ohio 44114-1304*

*Telephone (216) 479-8500  
Cable "Squiresand"  
Telex 985-661  
Telecopier (216) 479-8780*

*International Offices:  
Brussels, Belgium  
Prague, Czechoslovakia*

May 15, 1992

*Direct Dial Number*

(216) 479-8663

BY FAX, HARD COPY BY FEDERAL EXPRESS

Mr. Kevin Pierard, Chief  
OH-MN Technical Enforcement Section (HRE-8J)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

RECEIVED

MAY 22 1992

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

Re: Remedy Implementation, Grady-McCauley  
Middlebranch, Ohio Facility OHD 004 468 609

Dear Mr. Pierard:

As I discussed with Matthew Ohl of your staff on May 13, 1992, testing at the lead soil areas of the above site, subsequent to the submittal of the proposed remedy by Grady-McCauley, shows that the soil is not TCLP hazardous as assumed at the time of the proposed remedy submittal. The testing was conducted by Heritage Environmental on two samples taken from the two areas which the total metals sampling had identified as having the highest lead concentrations, of 310 and 140 mg/kg respectively.

I have enclosed a fax copy of a formal request by Grady-McCauley's consultant, Woodward-Clyde, for a modification of the selected remedy. As you will quickly note, Grady-McCauley seeks a formal amendment that:

excavated soil will be sampled and characterized in accordance with Ohio Environmental Protection Agency regulations, and then disposed of accordingly at an appropriately licensed facility.

This would allow disposal of non-hazardous soils excavated from the lead soils areas at a licensed solid waste disposal facility, rather than at a hazardous waste facility. It simply does not make environmental sense to occupy scarce hazardous waste landfill space with soils which are not hazardous waste. The hard copy of this request will accompany the hard copy of this letter, which we expect to send by overnight delivery on Monday,



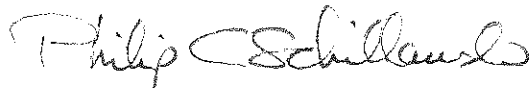
*Squire, Sanders & Dempsey*

May 18. Grady-McCauley is presently working with a licensed solid waste disposal facility for sampling of the soils which it desires to dispose therein, to insure that there is no regulatory prohibition against the disposal of the soils at that facility.

Grady-McCauley and Woodward-Clyde personnel met with Mr. Mark Bergman of the Ohio EPA to discuss the lead soils remediation in mid-March of 1992. The intent to dispose of soils which did not display a hazardous characteristic was discussed at that meeting. The approval letter from Ohio EPA for implementation of the remedy reflects the discussions of that meeting.

Grady-McCauley is anxious to begin the actual removal of soils from the lead soil areas, as it has been ready to do for some time now. Grady-McCauley is also anxious to insure that the removed soils are handled in the most environmentally sound manner, which means disposal in a licensed facility appropriate to their hazard classification. Because of the expressed desire of your April 28, 1992 letter that the remedy for the lead soil areas begin shortly, Grady-McCauley needs to receive approval quickly for disposal of the removed soil in a facility appropriate to its classification. Thus, Grady-McCauley would appreciate a expedited response by May 22, 1992 to its request to amend the disposal provision of the selected remedy, particularly if Region 5 believes that disposal of nonhazardous soils in a licensed solid waste landfill should be prohibited. A telephone response would be sufficient, if clerical delays would prevent a written response by May 22, 1992. If you need to respond by telephone, please call me at the direct-dial number listed above.

Sincerely,



Philip C. Schillawski

Enclosure

cc. Matthew Ohl  
Dennis Grady



# Woodward-Clyde Consultants



Engineering & sciences applied to the earth & its environment

88C6161

May 15, 1992

Mr. Kevin Pierard, Chief OH-MN (HRE-8J)  
Technical Enforcement Section  
U.S. Environmental Protection Agency, Region V  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

**REMEDY IMPLEMENTATION**  
**GRADY-McCAULEY**  
**MIDDLEBRANCH, OHIO**  
**OHD004468609**

Dear Mr. Pierard:

On behalf of Grady-McCauley Creative Graphics, Inc., this letter transmits a request to amend the Selected Remedy for disposal of soil excavated from the lead soil areas at the Middlebranch, Ohio property.

Currently the Selected Remedy calls for the disposal of all soils at a licensed hazardous waste facility. We wish to amend that Selected Remedy to such that, "excavated soil will be sampled and characterized in accordance with Ohio Environmental Protection Agency regulations, and then disposed of accordingly at an appropriately licensed facility".

Please do not hesitate to contact me if you have any questions.

Sincerely,

Gregory N. Horton  
Senior Staff Scientist

cc: Mr. Dennis Grady - Grady-McCauley  
Mr. Phillip Schillawski - Squire, Sanders & Dempsey

I971\611\GRADY\88C6161.002





P 185 148 709

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

DENNIS GRADY  
GRADY-MCCAULEY  
7584 WHIPPLE AVENUE  
NORTH CANTON OH 44720

★ U.S.G.P.O. 1984-446-014

PS Form 3800, Feb. 1982

Postage	\$ .29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	1.00
Return receipt, showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.29
Postmark or Date	

M. OHC  
HRE-85

Kern

## SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DENNIS GRADY  
GRADY-MCCAULEY  
CREATIVE GRAPHICS INC  
7584 WHIPPLE AVENUE  
NORTH CANTON OH 44720

4a. Article Number

P 185 148 709

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-4-92

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, November 1990 ☆ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT



STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST-CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

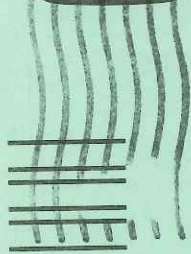
1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the provided ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

RECEIVED

MAY 1 1992

OFFICE OF RCRA  
Waste Management Division  
U.S. EPA, REGION V

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE  
USE, \$300

Print your name, address and ZIP Code here

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION V  
77 WEST JACKSON BOULEVARD  
CHICAGO IL 60604  
M. OWI HRE-8J



APR 28 1992

HRE-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Dennis Grady  
Grady-McCauley  
Creative Graphics, Inc.  
7584 Whipple Avenue  
North Canton, OH 44720

Re: Remedy Implementation  
Grady-McCauley  
Middlebranch, Ohio facility.  
OHD 004 468 609

Dear Mr. Grady:

On September 10, 1991, the United States Environmental Protection Agency (U.S. EPA) approved the Feasibility Study (FS) and Implementation Plan for the selected remedy. The remedy Grady-McCauley selected includes removal of lead-contaminated soil in the areas designated by Figure 5 of the FS, followed by disposal of the soil in a hazardous waste landfill with accompanied back-filling of clean fill material. On March 27, 1992, the Ohio Environmental Protection Agency (OEPA) sent a letter to notify Grady-McCauley that OEPA agreed with U.S. EPA and implementation should commence.

Grady-McCauley has all necessary authorization to implement the selected remedy as required in paragraph 8 of the Consent Agreement and Final Order. Within thirty (30) days of the date of the OEPA approval letter, Grady-McCauley must implement the selected remedy.

If you have any questions regarding the above matter, please contact Mr. Matthew Ohl of my staff at (312) 886-4442.



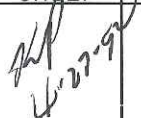
Sincerely,

Kevin Pierard, Chief  
OH/MN Technical Enforcement Section

HRE-8J:MOHL:mo/ab:04\20\92:6-4442:#2

grdymcly.mid\implement.1tr

OFFICIAL FILE COPY

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
			



*Squire, Sanders & Dempsey*

*U.S. Offices:*  
*Columbus, Ohio*  
*Jacksonville, Florida*  
*Miami, Florida*  
*New York, New York*  
*Phoenix, Arizona*  
*Washington, D.C.*

*International Offices:*  
*Brussels, Belgium*  
*Prague, Czechoslovakia*

*Counsellors at Law*  
*1800 Huntington Building*  
*Cleveland, Ohio 44115*

*Telephone (216) 687-8500*  
*Cable "Squiresand"*  
*Telex 985-661*  
*Telecopier (216) 687-8780*

October 18, 1991

*Direct Dial Number*  
  
(216) 687-8500

**BY CERTIFIED MAIL**

U.S. Environmental Protection Agency  
Waste Management Division  
ATTN: David A. Ullrich, Director  
230 South Dearborn Street  
Chicago, Illinois 60604

Ohio Environmental Protection Agency  
Division of Solid & Hazardous  
Waste Management  
Northeast District Office  
ATTN: Mark Bergman, R.S.  
2110 East Aurora Road  
Twinsburg, Ohio 44087-1969

Re: Grady McCauley Middlebranch, Ohio, Facility  
November 10 Commencement of Clean Up

Dear Sirs:

As you know from prior correspondence and numerous phone calls, Grady McCauley is anxious to commence work under the Work Plan for closure of the dry wells and to commence implementation of the remedy selected in the Feasibility Study. To achieve that objective in conformance with the December 2, 1986 Consent Agreement and Final Order (CAFO), resolving the Complaint in U.S. EPA RCRA Dkt. No. V-W-85-R-35, approvals from both U.S. EPA and Ohio EPA are needed.

The CAFO provides expressly that both Ohio EPA and U.S. EPA are to act on the Closure Plan for dry wells; it also sets



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forth a 90-day time period in which Ohio EPA and U.S. EPA are to act.

OEPA and U.S. EPA will approve Grady McCauley's Closure Plan or specify in writing to Grady McCauley the modifications necessary for approval within 90 days of receipt of Grady McCauley's Closure Plan. CAFO Order § 5 (p. 4)

Since Grady McCauley submitted its plan for closure of the dry wells almost three years ago on November 21, 1988, action by both Agencies is overdue.

In identical language, the CAFO provides expressly that both Ohio EPA and U.S. EPA are to act on the Feasibility Study and that both the State and federal agencies should act within 90 days.

OEPA and U.S. EPA will approve Grady McCauley's Feasibility Study or specify in writing to Grady McCauley the modifications necessary for approval within 90 days of receipt of Grady McCauley's Feasibility Study. CAFO Order § 8 (p. 5)

In a letter date-stamped September 10, 1991, U.S. EPA formally advised Grady McCauley: "U.S. EPA hereby approves the FS." However, Grady-McCauley has not yet received the written approval from Ohio EPA required by the CAFO. U.S. EPA also asked Grady-McCauley to commence the remedy within sixty (60) days of receipt of the letter, which Grady-McCauley is anxious to do. Accordingly, Grady-McCauley needs to receive Ohio EPA's written approval of the January 21, 1991 revised Feasibility Study (with a co-correspondent copy to U.S. EPA) as soon as possible and in no event later than November 6, (one-week prior to the November 13 cleanup planned by Grady-McCauley).

Grady McCauley wants the cleanup to proceed in accordance with the legal requirements of the CAFO, which includes prior approval by both Ohio EPA and U.S. EPA. Furthermore, Grady McCauley should not be required to incur needless expense addressing the same environmental problem twice. If Ohio EPA disapproves the Feasibility Study approved by U.S.



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EPA, in accordance with the CAFO it should "specify in writing to Grady McCauley the modifications necessary for approval."

In addition to the Feasibility Study, Grady McCauley has submitted a Closure Plan for the dry wells to U.S. EPA and Ohio EPA. Indeed, Grady McCauley presented its plan for closure of the dry wells on November 21, 1988, before it submitted the Feasibility Study. The CAFO contemplates action on the Closure Plan before the Feasibility Study, so a prompt decision by both Agencies is called for. Without cataloging all of the phone calls and letters seeking to prompt action, suffice it to note here that in its last letter dated July 23, 1991, Grady McCauley again requested review and approval of the November 21, 1988 Work Plan.

In a letter dated March 17, 1989, Ohio EPA advised Grady McCauley that it would "time its formal action on the closure plan in accordance with completion of the Feasibility Study." The Feasibility Study has been complete for 8 months, having been revised to satisfy the comments in U.S. EPA's December 19 letter and having been resubmitted to both Agencies for approval on January 21, 1991. Accordingly, Ohio EPA now has its requested opportunity to review the Closure Plan against the backdrop of the completed and approved Feasibility Study.

Ohio EPA also told Grady McCauley in its letter of March 17, 1989 that "Ohio EPA expects to continue to work cooperatively in this matter." Moreover, the Agency assured Grady McCauley that "the timeframes in the CAFO" are "timeframes that Ohio EPA can adhere to." With respect to the timeframes in the CAFO, Order Paragraph No. 5 (p. 4) of the CAFO calls for Ohio EPA to "approve Grady McCauley's Closure Plan or to specify in writing the modifications necessary for approval within 90 days of receipt of Grady McCauley's Closure Plan." A 90-day period from submittal of the Closure Plan (November 21, 1988), or from completion of the Feasibility Study (January 21, 1991), has long since expired. Action by Ohio EPA is not merely due, it is overdue.

Similarly, prompt action by U.S. EPA on the November 21, 1988 plan for closure of the dry wells is required by the CAFO. Indeed, U.S. EPA approval of the Closure Plan by November 10, 1991 is necessary to avoid holding up the cleanup since Ohio EPA



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has stated that it would "adhere to" "the timeframes in the CAFO" for reviewing the Closure Plan once the Feasibility Study was completed.

U.S. EPA's September 10, 1991 letter directs Grady McCauley to conduct any closure activities related to the dry well in accordance with "an Ohio EPA approved" closure plan. Unless Ohio EPA promptly approves the Work Plan for closure of the dry wells, there will be "no Ohio EPA approved closure plan" under which Grady McCauley can commence work on November 10, 1991.

This case bridges the transfer from U.S. EPA to Ohio EPA of authorization for the RCRA program in Ohio. Nonetheless, both before and after the transfer of the RCRA program, Ohio EPA and U.S. EPA have been fully involved in the step-by-step process contemplated by the CAFO. To illustrate, Grady McCauley has completed the following tasks, among others, pursuant to the CAFO, under the oversight of both Agencies:

- \* established financial assurance for closure of the on-site dry wells;
- \* submitted for U.S. EPA and Ohio EPA review a Phase I Groundwater and Subsurface Soil Sampling Plan on May 30, 1986;
- \* installed on-site groundwater monitoring wells and established additional sampling points at existing wells in the immediate vicinity;
- \* completed the approved Phase I groundwater and subsurface soil sampling and submitted the results to U.S. EPA and Ohio EPA on March 23, 1987;
- \* completed Phase I groundwater sampling and submitted the results to U.S. EPA and Ohio EPA on August 12, 1987;
- \* submitted a Phase II Soil Sampling Plan for U.S. EPA and Ohio EPA review on November 5, 1987;



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- \* completed the approved Phase II soil and sampling and submitted the results to U.S. EPA and Ohio EPA on March 28, 1988;
- \* submitted a Phase III Soil Sampling Plan for U.S. EPA and Ohio EPA review on October 13, 1988;
- \* submitted for U.S. EPA and Ohio EPA review a Work Plan for Dry Well Closure on November 21, 1988;
- \* completed the approved Phase III soil sampling and submitted results to U.S. EPA and Ohio EPA on January 13, 1989;
- \* submitted a Feasibility Study to U.S. EPA and Ohio EPA on October 4, 1990;
- \* submitted a revised Feasibility Study to U.S. EPA and Ohio EPA January 21, 1991.

The next steps in the process established by the CAFO which Ohio EPA, U.S. EPA, and Grady McCauley have been pursuing for more than four years are: (1) Ohio EPA sends written approval of the January 21, 1991 revised Feasibility Study so that it is received by Grady McCauley and U.S. EPA no later than November 6, 1991, or Ohio EPA sends a "specific[ation] in writing to Grady McCauley of the modifications necessary for approval," (with a co-correspondent copy to U.S. EPA), and (2) Ohio EPA and U.S. EPA take action on the November 21, 1988 Closure Plan for the dry wells as soon as possible and, in any event, no later than November 6, 1991.

Thank you very much. Please do not hesitate to call if you have any questions.

Very truly yours,



Kenneth C. Moore

cc: James Saric